

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**MONIQUE DA SILVA MOORE,
MARYELLEN O'DONOHUE,
LAURIE MAYERS, HEATHER
PIERCE, and KATHERINE
WILKINSON on behalf of themselves
and all others similarly situated,**

PLAINTIFFS,

v.

**PUBLICIS GROUPE SA and
MSLGROUP,**

DEFENDANTS.

Civ No. 11-CV-1279 (ALC) (AJP)

**DECLARATION OF STEVEN L. WITTELS IN SUPPORT OF PLAINTIFFS' MOTION
FOR RECUSAL OR DISQUALIFICATION**

STEVEN L. WITTELS, an attorney duly admitted to practice law in the State of New York, in the Southern District of New York, states as follows:

1. My firm represents the Plaintiffs in the above-referenced action.
2. Annexed to this declaration as "Exhibit A" is a true and correct copy of an excerpt (22:18-23:15) of a podcast of a panel on predictive coding hosted by ReviewLess on January 11, 2012. The podcast was downloaded from <http://www.esibytes.com/?p=2122>, where it is available in its entirety.

[This audio file will not be filed on ECF but delivered to the Court with Plaintiffs' courtesy copy of the motion and will be separately served on Defendants.]

3. Annexed to this declaration as "Exhibit B" is a true and correct copy of an excerpt of a video recording of a panel at the LegalTech trade show on January 31, 2012 entitled "Judicial

Perspectives on Technology-Assisted Review.” The recording was downloaded from <https://www.brainshark.com/xerox/Tech-AssistedReview>, where it is available in its entirety.

[This audio file will not be filed on ECF but delivered to the Court with Plaintiffs’ courtesy copy of the motion and will be separately served on Defendants.]

4. Annexed to this declaration as “Exhibit C” is a true and correct copy of a blog entry by Ralph Losey, dated January 22, 2012.
5. Annexed to this declaration as “Exhibit D” is a true and correct copy of an agenda of the January 30, 2012 LegalTech Conference in New York.
6. Annexed to this declaration as “Exhibit E” is a true and correct copy of a blog entry by Ralph Losey, dated January 29, 2012.
7. Annexed to this declaration as “Exhibit F” is a true and correct copy of an agenda of the January 31, 2012 LegalTech Conference in New York.
8. Annexed to this Declaration as “Exhibit G” is a true and correct copy of a letter from Steven L. Wittels and Janette Wipper to Judge Peck, dated March 28, 2012.
9. Annexed to this declaration as “Exhibit H” is a true and correct copy of a blog post by Chris La Cour, dated January 4, 2012.
10. Annexed to this declaration as “Exhibit I” is a true and correct copy of promotional materials for the Georgetown Law CLE 8th Annual Advanced eDiscovery Institute Conference, November 17 – 18, 2011.
11. Annexed to this declaration as “Exhibit J” is a true and correct copy of a blog entry by Ralph Losey, dated October 4, 2009.
12. Annexed to this declaration as “Exhibit K” is a true and correct copy of a blog entry by Ralph Losey, dated October 16, 2011.

13. Annexed to this declaration as “Exhibit L” is a true and correct copy of a blog entry by Judge Peck and David J. Lender, dated April 3, 2011.
14. Annexed to this declaration as “Exhibit M” is a true and correct copy of a blog entry by Law Technology News, dated March 15, 2012.
15. Annexed to this declaration as “Exhibit N” is a true and correct copy of the Missouri Committee on Retirement, Removal and Discipline Opinion 179 (2001).
16. Annexed to this declaration as “Exhibit O” is a true and correct copy of a list of sponsors of the 2012 LegalTech Conference in New York.
17. Annexed to this declaration as “Exhibit P” is a true and correct copy of a blog entry by Chris Dale, dated February 27, 2012.
18. Annexed to this declaration as “Exhibit Q” is a true and correct copy of a blog entry by Recommind, dated February 27, 2012.
19. Annexed to this declaration as “Exhibit R” is a true and correct copy of a press release from Recommind, dated March 5, 2012.
20. Annexed to this Declaration as “Exhibit S” is a true and correct copy of the Committee on Codes of Conduct Advisory Opinion No. 67, from the *Guide to Judiciary Policy*, Vol. 2B, Ch. 2, also available at <http://www.uscourts.gov/uscourts/RulesAndPolicies/conduct/Vol02B-Ch02.pdf>.
21. Annexed to this Declaration as “Exhibit T” is a true and correct copy of the Committee on Codes of Conduct Advisory Opinion No. 87, from the *Guide to Judiciary Policy*, Vol. 2B, Ch. 2, also available at <http://www.uscourts.gov/uscourts/RulesAndPolicies/conduct/Vol02B-Ch02.pdf>.
22. Annexed to this Declaration as “Exhibit U” is a true and correct copy of the Committee on

Codes of Conduct Advisory Opinion No. 105, from the *Guide to Judiciary Policy*, Vol. 2B, Ch. 2, also available at <http://www.uscourts.gov/uscourts/RulesAndPolicies/conduct/Vol02B-Ch02.pdf>.

23. Annexed to this declaration as “Exhibit V” is a true and correct copy of promotional materials for the Georgetown Law CLE 6th Annual Advanced eDiscovery Institute Conference, November 12-13, 2009.
24. Annexed to this declaration as “Exhibit W” is a true and correct copy of promotional materials for the Georgetown Law CLE 7th Annual Advanced eDiscovery Institute Conference, November 18-19, 2010.
25. Annexed to this declaration as “Exhibit X” is a true and correct copy of an agenda for the 7th Annual Information Governance and eDisclosure Summit, May 14-16, 2012.
26. Annexed to this declaration as “Exhibit Y” is a true and correct copy of a blog post by Recommind, dated March 26, 2012.
27. Annexed to this Declaration as “Exhibit Z” is a true and correct copy of a letter from Brett M. Anders to Judge Peck, dated January 25, 2012.
28. Annexed to this Declaration as “Exhibit AA” is a true and correct copy of the opinion of the New York State Commission on Judicial Conduct in *Matter of Huttner* (2005), also available at http://www.scjc.state.ny.us/Determinations/H/huttner_%282%29.htm.
29. Annexed to this Declaration as “Exhibit BB” is a true and correct copy of *In re Slusher*, Stipulation, Agreement, Order of Admonishment (Wash. Comm'n on Jud. Conduct Apr. 1, 1994), also available at <http://www.cjc.state.wa.us/Case%20Material/1994/1518%20Stipulation.pdf>.

30. Annexed to this Declaration as “Exhibit CC” is a true and correct copy of Judge Peck’s Financial Disclosure Report for Calendar Year 2010.

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: April 13, 2012

New York, New York

/s/ Steven . Wittels

Steven L. Wittels